IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 34 OF 2005

Rajan V. Dhruv ... Petitioner

Versus

Vithaldas Parekh & Anr. ... Respondents

WITH

CRIMINAL WRIT PETITION NO. 1311 OF 2006

Markand C.Gandhi ... Petitioner

Versus

Vithaldas Parekh & Anr. ... Respondents

Mr. Prakash Naik for the petitioner in W.P. No. 34 of 2005.
Mr. Girish Kulkarni for the petitioner in W.P.No. 1311 of 2006.
Mr. J.A. Udaipuri, instructed by M/s. Udaipuri & Co. for respondent No.1.
Dr. F.R. Shaikh, Additional Public Prosecutor, for respondent No.2.

CORAM: **KSHITIJ R. VYAS, C.J.**

DATE: JULY 14, 2006.

P.C.

The petitioner of Writ Petition No. 24 of 2005, original accused No.1 and the petitioner of Writ Petition No. 1311 of 2006 , original accused No.3, have filed these two petitions with a prayer to quash and set aside the order dated 10th September, 2004 passed by

the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai, in Criminal Case No. 44/SW/2004.

2. Original accused No.2 has filed an application for discharge. The said application is pending before the learned Sessions Judge, City Civil and Sessions Court, Mumbai.

3. The petitioners of both these petitions and the contesting respondent No.1 (original complainant) have amicably settled their disputes.

4. It is agreed between the parties that they would have no claim of whatsoever nature, be it financial or otherwise, at any time or at all.

5. In view of the settlement between the parties, the learned counsel appearing for the petitioners and respondent No.1 (original complainant) seek leave of the Court to quash the process issued by the learned Metropolitan Magistrate and discharge the petitioners-accused. The learned Additional Public Prosecutor has no objection, if the order as prayed for is granted.

6. In the result, I allow both the petitions as prayed for, in view of the settlement arrived at between the parties. Criminal Case No. 44/SW/2004 pending before the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai, is accordingly quashed and set aside.

CHIEF JUSTICE